

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 81 OF 2005
IN
WRIT PETITION NO. 302 OF 2002

The Divl. Chairman, Maharashtra State Board of Secondary & Higher Secondary Education, Pune & Anr.....	Appellants.
V/s	
Kailash D. Tile & Ors.....	Respondents

Mr.C.J. Sawant, Sr. Counsel with P.P. Chavan i/by Little & Co., Adv. for the appellants.

Ms. Seema Sarnaik, Adv. for respondents 2 and 3.

CORAM: V.G. PALSHIKAR

AND

D.B. BHOSALE, JJ.

21.10.2005.

PC:

The impugned order passed by the learned Single Judge is one passed under Article 227 of the Constitution of India. Mere mention of Article 226 cannot create a right in the litigant to choose the Forum or create a right to an appeal. Taking into consideration the settled position of law on maintainability of Letters Patent Appeal against orders under Article 227 we dismiss the appeal as not tenable. Civil Application, if any, also stand disposed of accordingly.

21.10.05